



Paper No. 6

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OFFICE OF PETITIONS

In re Application of :
Giesler et al. :
Application No. 09/819,071 : DECISION GRANTING PETITION
Filed: October 9, 2001 :
Attorney Docket No. 658/49678CO :

This is a decision on the petition filed on June 18, 2002, and again on June 27, 2002, requesting that the application be accorded a filing date of October 9, 2001.

The petition is granted.

On October 9, 2001, applicants deposited the above-identified application. The specification consisted of 15 pages of German text. On March 18, 2002, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," requiring a complete specification including at least one claim as prescribed by 35 U.S.C. § 111, an executed oath or declaration, and an abstract of the technical disclosure. The Notice further stated that the filing date would be the date of receipt of a complete specification including at least one claim in the United States Patent and Trademark Office. The Notice set forth a two-month period for reply from the mail date of the Notice.

In the present petition, applicants stated that on October 9, 2001, they filed a foreign language application, in which the specification included at least one claim. Applicants further stated that in addition to the foreign language application, applicants filed an English language translation of the foreign specification that also included at least one claim, and the declaration of translator, Christa Schaertel. The present petition is accompanied by a copy of applicants' itemized postcard receipt date stamped October 9, 2001, an executed declaration, a specification in English of 17 pages, including 17 claims, and one page of abstract.

The German language specification filed on October 9, 2001, has been located in the file. Accordingly, the Notice mailed on March 18, 2002, was sent in error and is hereby vacated. No petition fee is necessary. The \$130.00 surcharge for late filing of the declaration has been charged to Deposit Account No. 05-1323 as authorized in the petition.

The application file will be forwarded to the Office of Initial Patent Examination for reprocessing using the 15 pages of German text as the specification and claims as the original disclosure, filed on October 9, 2001. The English copy of the specification, claims, and drawings filed with the present petition on June 27, 2002, will be used for examination purposes.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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